



# House of Representatives

General Assembly

**File No. 661**

February Session, 2004

Substitute House Bill No. 5429

*House of Representatives, April 26, 2004*

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING ADMINISTRATION OF MEDICATION IN SCHOOLS AND REPEALING AN OBSOLETE SECTION OF THE STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-212a of the general statutes, as  
2 amended by section 4 of public act 03-211, is repealed and the  
3 following is substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) (1) A school nurse or, in the absence of such nurse, any other  
5 nurse licensed pursuant to the provisions of chapter 378, including a  
6 nurse employed by, or providing services under the direction of a local  
7 or regional board of education at, a school-based health clinic, who  
8 shall administer medical preparations only to students enrolled in such  
9 school-based health clinic in the absence of a school nurse, the  
10 principal, any teacher, licensed physical or occupational therapist  
11 employed by a school district, or coach of intramural and  
12 interscholastic athletics of a school may administer, subject to the

13 provisions of subdivision (2) of this subsection, medicinal  
14 preparations, including such controlled drugs as the Commissioner of  
15 Agriculture and Consumer Protection may, by regulation, designate,  
16 to any student at such school pursuant to the written order of a  
17 physician licensed to practice medicine or a dentist licensed to practice  
18 dental medicine in this or another state, or an advanced practice  
19 registered nurse licensed to prescribe in accordance with section 20-  
20 94a, or a physician assistant licensed to prescribe in accordance with  
21 section 20-12d, and the written authorization of a parent or guardian of  
22 such child. The administration of medicinal preparations by a nurse  
23 licensed pursuant to the provisions of chapter 378, a principal, teacher,  
24 licensed physical or occupational therapist employed by a school  
25 district, or coach shall be under the general supervision of a school  
26 nurse. No such school nurse or other nurse, principal, teacher, licensed  
27 physical or occupational therapist employed by a school district, coach  
28 or school paraprofessional administering medication pursuant to  
29 subsection (d) of this section shall be liable to such student or a parent  
30 or guardian of such student for civil damages for any personal injuries  
31 which result from acts or omissions of such school nurse or other  
32 nurse, principal, teacher, licensed physical or occupational therapist  
33 employed by a school district, coach or school paraprofessional  
34 administering medication pursuant to subsection (d) of this section in  
35 administering such preparations which may constitute ordinary  
36 negligence. This immunity shall not apply to acts or omissions  
37 constituting gross, wilful or wanton negligence.

38 (2) Each local and regional board of education that allows a school  
39 nurse or, in the absence of such nurse, any other nurse licensed  
40 pursuant to the provisions of chapter 378, including a nurse employed  
41 by, or providing services under the direction of a local or regional  
42 board of education at, a school-based health clinic, who shall  
43 administer medical preparations only to students enrolled in such  
44 school-based health clinic in the absence of a school nurse, the  
45 principal, any teacher, licensed physical or occupational therapist  
46 employed by a school district, or coach of intramural and  
47 interscholastic athletics of a school to administer medicine or that

48 allows a student to self-administer medicine shall adopt written  
49 policies and procedures, in accordance with this section and the  
50 regulations adopted pursuant to subsection (c) of this section, that  
51 shall be approved by the school medical advisor or other qualified  
52 licensed physician. Once so approved, such administration of  
53 medication shall be in accordance with such policies and procedures.

54     Sec. 2. (*Effective July 1, 2004*) Section 8 of public act 03-168 is  
55 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>

**PH**           *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 05 \$	FY 06 \$
All Municipalities	Cost	Minimal	Minimal

**Explanation**

The requirement that written policies and procedures be developed and approved with regard to the administering of medicine to students as set forth in the bill results in a minimal cost to local and regional school districts that choose the allowances set forth in the bill. Such costs would be minimal and could be accommodated within the existing resources of any district.

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**OLR BILL ANALYSIS**

sHB 5429

**AN ACT CONCERNING ADMINISTRATION OF MEDICATION IN SCHOOLS AND REPEALING AN OBSOLETE SECTION OF THE STATUTES****SUMMARY:**

This bill makes statutory the requirement that school boards adopt written policies and procedures for administering medication in schools and changes the approving authority for such policies and procedures from the Department of Public Health (DPH) to the local school medical adviser or other qualified physician.

The bill also repeals a section of the statutes that references repealed State Department of Education (SDE) regulations.

EFFECTIVE DATE: July 1, 2004

**WRITTEN POLICIES GOVERNING THE ADMINISTRATION OF MEDICATION IN SCHOOLS**

This bill requires school boards that allow authorized individuals to dispense medication to students or students to self-administer medication to adopt policies and procedures in accordance with SDE regulations. Such policies must be approved by the school medical adviser or other qualified licensed physician. Once approved, the administration of medication must be done in accordance with the policies and procedures.

Under current regulations, school boards that allow the administration of medication in schools must establish policies and procedures for such administration by school personnel that must be reviewed and approved by DPH.

**BACKGROUND*****Legislative History***

On April 6, the House referred the bill (File 295) to the Public Health Committee. On April 13, the committee reported a substitute that removed provisions of the original bill that added nursing assistants to the list of individuals who can administer medication to students and gave them immunity from liability for their negligent acts or omissions in the course of doing so.

**COMMITTEE ACTION**

## Education Committee

Joint Favorable Substitute  
Yea 25      Nay 0

## Public Health Committee

Joint Favorable Substitute  
Yea 22      Nay 0